UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/NGO/27
1 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[10 January 1991]

THE HUMAN RIGHTS SITUATION IN EQUATORIAL GUINEA

1. Efforts by the United Nations and others to encourage respect for human rights in Equatorial Guinea appear to have had little positive effect. Since the overthrow in 1979 of the Government of Francisco Macias Nguema, which was notorious for its gross human rights violations, the present Government has repeatedly stated its intention to restore fundamental human rights. In 1982 it agreed to a Plan of Action proposed under the United Nations Advisory Services Programme: in 1986 it ratified the Organization of African Unity's African Charter on Human and People's Rights and in 1987 it acceded to the International Covenant on Civil and Political Rights. Nevertheless, even the most fundamental human rights safeguards have yet to be implemented. Over the last three years Amnesty International has been able to obtain first-hand testimonies of human rights violations in Equatorial Guinea. This new information has confirmed a pattern which began to emerge in the early 1980s of sporadic waves of arrests of suspected political opponents followed by torture, unfair trials and the use of the death penalty.

2. In late 1990 several people were reportedly arrested because of the non-violent expression of their political views. They apparently supported the adoption of a multi-party political system in Equatorial Guinea, where only one party is allowed by law, the Partido Democratico de Guinea Ecuatorial (PDGE), the Equatorial Guinea Democratic Party led by President Teodoro Obiang Nguema Mbasogo. In November 1990, Antonio Ebang Mbele, the Vice-President of the Cámara de Representantes del Pueblo (Chamber of People's Representatives), was reportedly stripped of his parliamentary privileges and placed under house arrest after he proposed that the Chamber of People's Representatives should debate political pluralism. This was after the PDGE Central Committee had passed a resolution stating that the country "could adapt" to political pluralism. In early December 1990 at least seven people were reportedly arrested, either for their suspected support for a multi-party political system or because of their alleged contacts with opposition political parties abroad. They included Marcelina Asumu Nsué, a former Minister of Agriculture, two civilians and four soldiers. In early January 1991 it was reported that Antonio Ebang Mbele had left Micomeseng, a town on the northern border of the mainland province of Rio Muni, where he had been placed under house arrest, and gone into exile. Amnesty International continues to seek information about those detained.

3. During 1990 six prisoners of conscience continued to serve prison sentences imposed after an unfair trial in 1988. They were among some 40 people arrested in August 1988 following the visit to Equatorial Guinea of Severo Moto Nsa, the President of an opposition political party, Partido del Progreso de Guinea Ecuatorial, Equatorial Guinea Progress Party, established in exile. Severo Moto Nsa failed in his objective - to obtain permission for the Progress Party to operate legally in Equatorial Guinea - and returned to Spain. However, the party's Secretary-General, who had returned to Equatorial Guinea with Severo Moto Nsa, and dozens of other suspected members of or sympathizers with the Party, were arrested in August 1988. Most were severely tortured and forced to sign statements incriminating themselves and others. All but nine were released in early September 1988.

4. The trial of these nine detainees in September 1988 was characterized by defects similar to those of previous political trials by ad hoc military courts in 1981, 1983, 1985 and 1986. These courts lack independence and impartiality. Their procedures, which severely curtail the rights of the defence, are based on the Spanish Code of Military Law of 1945 - now obsolete in Spain - which has not yet been revised despite efforts under the United Nations Advisory Services Programme to assist Equatorial Guinea with the drafting of new criminal and procedural codes. The defendants had access to defence counsel only once before the trial and then only for a few minutes. The court apparently admitted as evidence statements made under torture; the prosecution produced no material or other evidence which corroborated the statements. All nine defendants were convicted of attempting to overthrow the Government. Two were sentenced to death. The others received sentences of between 12 and 30 years' imprisonment. There was no right of appeal. The two death sentences were commuted by presidential decree to 30-year prison terms shortly after the trial. Three of the prisoners, those who had formerly resided in Europe, were subsequently released on the orders of the President and the sentences of the others were reduced. Amnesty International considers that the six remaining in prison are prisoners of conscience and continues to appeal for their release.

5. During 1990 Amnesty International received further details of the torture of political prisoners in 1988 and reports of the torture of people suspected of ordinary criminal offences in 1989 and 1990. No safeguards against torture have been introduced. Nor has any legislation been introduced to give effect to the constitutional provisions of habeas corpus and amparo.

6. Accounts that reached Amnesty International in 1990 confirm how former political prisoners arrested in August 1988 were moved from prison at night and taken for interrogation at an army training centre near Bata, the capital of Rio Muni province. According to former prisoners, Moroccan soldiers seconded to Equatorial Guinea under a bilateral agreement were in charge of the interrogations: apparently they also took part in torture and sometimes restrained their Equatorial Guinean colleagues when the brutality went too far and it appeared that a victim might lose consciousness or die. The victims were usually suspended from beams or bound in painful positions and then subjected to severe beatings, partial suffocation and electric shocks. Senior Government officials reportedly attended torture sessions as observers.

7. Reports of torture in 1989 and 1990 mainly concerned people suspected of ordinary criminal offences, 10 of whom are reported to have died as a result. In early 1989, over 20 people were arrested after a football player was killed in a road accident and accused of killing the footballer and other people by using sorcery. Nine were reported to have died as a result of torture. The survivors were reportedly tried and acquitted in mid-1989. In another case, in early 1990, José Eneme, Equatorial Guinea's Consul in Douala, Cameroon, and his friend, Alberto Nsué, were arrested in Equatorial Guinea and accused of using sorcery to cause the death in a road accident of José Eneme's deputy. Alberto Nsué reportedly died as a result of torture while José Eneme sustained injuries. José Eneme was reportedly tried in May 1990 and given a death sentence which was later commuted to 30-years' imprisonment.

8. Torture has been used not only to extract confessions but also to intimidate and punish prisoners. Political prisoners arrested in August 1988 were beaten and many kept blindfolded and handcuffed during the days before the interrogations started. Some of those convicted in September 1988 were kept blindfolded and bound for long periods after their trial. Reports indicate that criminal prisoners have been severely beaten and ill-treated and that women have been raped by guards.

9. Only on two occasions are those responsible for violating the basic human rights of prisoners known to have been prosecuted. In both cases foreigners were among the victims. In May 1985 two policemen who apparently arrested and shot a Nigerian labourer were tried and given prison sentences after protests from the Nigerian Government. In October 1989 two policemen were convicted of ill-treating several prisoners who had been arrested for public order offences in Malabo in September 1989: a British official of the World Bank who had protested at their treatment was also reportedly bound and beaten.

10. In a report on torture published in September 1990 Amnesty International called on the Government to set up an independent and impartial inquiry into reports of torture, to prosecute those suspected of torturing prisoners and to introduce and implement specific safeguards against torture.

11. Two weeks later the Government announced that it had set up a national human rights commission attached to the Chamber of People's Representatives. According to press reports this commission was to be an independent body empowered to investigate alleged human rights violations, publicize the Government's efforts in the field of human rights and liaise with other human rights organizations. Amnesty International asked the Government for information about the commission's composition, its terms of reference, and how its independence would be guaranteed. There was no response to this request and Amnesty International has received no other information to indicate that the commission has actually been established.

12. In October 1990 Amnesty International received an invitation from the Government to visit Equatorial Guinea. After its last visit in January 1988, Amnesty International submitted a number of communications recommending safeguards against torture and other abuses. The Government did not respond, nor has it implemented any of the measures. Amnesty International has recently urged the Government to reconsider these recommendations to see if some, at least, can be implemented before the organization's representatives visit the country again.

13. Meagre progress towards the implementation of basic human rights safeguards has been made in the eight years since the Government of Equatorial Guinea accepted the United Nations Plan of Action, despite continued assistance from the United Nations. Amnesty International considers that the Commission on Human Rights should review how it can best assist the Government to find prompt and effective remedies which will halt this alarming pattern of human rights violations.